



General Assembly

January Session, 2001

Raised Bill No. 1280

LCO No. 4172

Referred to Committee on Energy and Technology

Introduced by:
(ET)

AN ACT CONCERNING COMPUTER CONTAMINANTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) As used in this act:

2 (1) "Access" means to instruct, communicate with, store data in,
3 retrieve data from, intercept data from or otherwise make use of any
4 computer, computer network, computer program, computer software,
5 computer data or other computer resources.

6 (2) "Authorization" means the express or implied consent given by a
7 person to another to access or use said person's computer, computer
8 network, computer program, computer software, computer system,
9 password, identifying code or personal identification number.

10 (3) "Computer" means an electronic, magnetic, optical,
11 electrochemical or other high speed data processing device performing
12 logical, arithmetic or storage functions and includes any data storage
13 facility or communication facility directly related to or operating in
14 conjunction with such device. The term "computer" includes any
15 connected or directly related device, equipment or facility which

16 enables the computer to store, retrieve or communicate computer
17 programs, computer data or the results of computer operations to or
18 from a person, another computer or another device, but such term
19 does not include an automated typewriter or typesetter, a portable
20 hand-held calculator or other similar device.

21 (4) "Computer contaminant" means any set of computer instructions
22 that are designed to damage or destroy information within a
23 computer, computer system or computer network without the consent
24 or permission of the owner of the information. They include, but are
25 not limited to, a group of computer instructions commonly called
26 viruses or worms that are self-replicating or self-propagating and are
27 designed to contaminate other computer programs or computer data,
28 consume computer resources or damage or destroy the normal
29 operation of the computer.

30 (5) "Computer data" means any representation of knowledge, facts,
31 concepts, instruction or other information computed, classified,
32 processed, transmitted, received, retrieved, originated, stored,
33 manifested, measured, detected, recorded, reproduced, handled or
34 utilized by a computer, computer network, computer program or
35 computer software and may be in any medium, including, but not
36 limited to, computer printouts, microfilm, microfiche, magnetic storage
37 media, optical storage media, punch paper tape or punch cards, or it
38 may be stored internally in read-only memory or random access
39 memory of a computer or any other peripheral device.

40 (6) "Computer network" means a set of connected devices and
41 communication facilities, including more than one computer, with the
42 capability to transmit computer data among them through such
43 communication facilities.

44 (7) "Computer operations" means arithmetic, logical, storage,
45 display, monitoring or retrieval functions or any combination thereof
46 and includes, but is not limited to, communication with, storage of
47 data in or to, or retrieval of data from any device and the human

48 manual manipulation of electronic magnetic impulses. A "computer
49 operation" for a particular computer shall also mean any function for
50 which that computer was designed.

51 (8) "Computer program" means an ordered set of computer data
52 representing instructions or statements, in a form readable by a
53 computer, which controls, directs or otherwise influences the
54 functioning of a computer or computer network.

55 (9) "Computer software" means a set of computer programs,
56 procedures and associated documentation concerned with computer
57 data or with the operation of a computer, computer program or
58 computer network.

59 (10) "Computer services" means computer access time, computer
60 data processing or computer data storage and the computer data
61 processed or stored in connection therewith.

62 (11) "Computer supplies" means punch cards, paper tape, magnetic
63 tape, magnetic disks or diskettes, optical disks or diskettes, disk or
64 diskette packs, paper, microfilm and any other tangible input, output
65 or storage medium used in connection with a computer, computer
66 network, computer data, computer software or computer program.

67 (12) "Computer resources" includes, but is not limited to,
68 information retrieval; computer data processing, transmission and
69 storage and any other functions performed, in whole or in part, by the
70 use of a computer, computer network, computer software or computer
71 program.

72 (13) "Owner" means any person who owns or leases or is a licensee
73 of a computer, computer network, computer data, computer program,
74 computer software, computer resources or computer supplies.

75 (14) "Person" means any natural person, general partnership, limited
76 partnership, trust, association, corporation, joint venture or any state,
77 county or municipal government and any subdivision, branch,

78 department or agency thereof.

79 (15) "Property" includes: (A) Real property; (B) computers and
80 computer networks; and (C) financial instruments, computer data,
81 computer programs, computer software and all other personal
82 property regardless of whether they are: (i) Tangible or intangible; (ii)
83 in a format readable by humans or by a computer; (iii) in transit
84 between computers or within a computer network or between any
85 devices which comprise a computer; or (iv) located on any paper or in
86 any device on which it is stored by a computer or by a human; and (D)
87 computer services.

88 (16) "Value" means having any potential to provide any direct or
89 indirect gain or advantage to any person.

90 (17) "Financial instrument" includes, but is not limited to, any check,
91 draft, warrant, money order, note, certificate of deposit, letter of credit,
92 bill of exchange, credit or debit card, transaction authorization
93 mechanism, marketable security or any computerized representation
94 thereof.

95 (18) "Value of property or computer services" shall be: (A) The
96 market value of the property or computer services at the time of a
97 violation of this act; or (B) if the property or computer services are
98 unrecoverable, damaged or destroyed as a result of a violation of this
99 act, the cost of reproducing or replacing the property or computer
100 services at the time of the violation.

101 Sec. 2. (NEW) (a) Any person who knowingly, wilfully and without
102 authorization, directly or indirectly, tampers with, deletes, alters,
103 damages or destroys or attempts to tamper with, delete, alter, damage
104 or destroy any computer, computer network, computer software,
105 computer resources, computer program or computer data or who
106 knowingly introduces, directly or indirectly, a computer contaminant
107 into any computer, computer program or computer network which
108 results in a loss of value of property or computer services up to one

109 thousand dollars shall be guilty of a class A misdemeanor.

110 (b) Any person who knowingly, wilfully and without authorization,
111 directly or indirectly, damages or destroys or attempts to damage or
112 destroy any computer, computer network, computer software,
113 computer resources, computer program or computer data by
114 knowingly introducing, directly or indirectly, a computer contaminant
115 into any computer, computer program or computer network which
116 results in a loss of value of property or computer services more than
117 ten thousand dollars shall be guilty of a class C felony.

Statement of Purpose:

To prevent the wilful destruction of computers, computer networks
and computer software.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]